

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	DOCKET NO: 3:11CR373-FDW
)	
KAMAL ZAKI QAZAH (3))	
_____)	

ORDER FOR INTERLOCUTORY SALE OF PERSONAL PROPERTY

THIS MATTER is before the Court on the government’s motion for an interlocutory sale of thirty automobiles and two watercraft seized from 7 Stars Auto Sales in Columbia, South Carolina. These assets are subject to pending criminal forfeiture in the event of defendant’s conviction, but in the meantime are incurring substantial storage costs and the risk of depreciation in value.

Federal Rule of Criminal Procedure 32.2 provides that, “[a]t any time before entry of a final forfeiture order, the court, in accordance with Supplemental Rule G(7) of the Federal Rules of Civil Procedure, may order the interlocutory sale of property alleged to be forfeitable.” Fed. R. Crim. P. 32.2(b)(7). Rule G(7) provides:

On motion by a party or a person having custody of the property, the court may order all or part of the property sold if . . . (A) the property is perishable or at risk of deterioration, decay, or injury by being detained in custody pending the action; (B) the expense of keeping the property is excessive or is disproportionate to its fair market value; (C) the property is subject to a mortgage or to taxes on which the owner is in default; or (D) the court finds other good cause.

Fed. R. Civ. P. Supp. R. G(7)(b)(i).

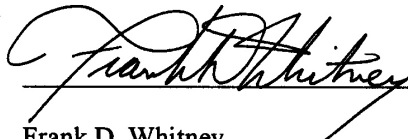
The Court finds that the storages costs for these assets and the risk of depreciation are sufficient under the rule as factors supporting an interlocutory sale.

IT IS THEREFORE ORDERED, pursuant to Fed. R. Crim. P. 32.2(b)(7) and Rule G(7) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, that the United States may sell, by commercially feasible means, any and all of the personal property listed in the exhibit submitted with the government's motion filed on August 16, 2012.

IT IS FURTHER ORDERED that the net proceeds of the sale will be deposited into an interest-bearing account maintained by the Marshals Service and substituted as the property subject to forfeiture in the event of the defendant's conviction and a final judgment of forfeiture in this case.

IT IS FURTHER ORDERED that the government may, in its sole discretion, reject any offer to purchase any asset subject to this Order where it determines that the offer is being made by, or on behalf of, a person involved in the criminal activity alleged as the basis for forfeiture.

Signed: August 17, 2012


Frank D. Whitney
United States District Judge

